

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JAMES McQUERTER,

Petitioner

-vs-

Case No. C-3-08-CV-327

TIMOTHY BRUNSMAN, Warden

Respondent

District Court Judge Thomas M. Rose

**ENTRY AND ORDER OVERRULING PETITIONER'S OBJECTIONS (DOC. #3) AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC.
#2) DISMISSING WITH PREJUDICE PETITIONER'S PETITION FOR HABEAS CORPUS
(DOC. #1), DENYING PETITIONER CERTIFICATE OF APPEALABILITY AND
TERMINATION ENTRY.**

This matter comes before the Court pursuant to the Petitioner's Objections (Doc. #3), filed September 26, 2008, to the Magistrate Judge's Report and Recommendations (Doc. #2) filed November 17, 2008. The Court has conducted a de novo review of all filings in this matter and finds the Objections (Doc. #3) not to be well-founded and OVERRULES same, ADOPTING the Magistrate Judge's Report and Recommendations (Doc. #2) DISMISSING Petitioner's Petition (Doc. #1) for Writ of Habeas Corpus.

In so ruling, this Court finds, as did the Magistrate Judge, that the Grounds for Relief asserted in the Petitioner's Petition were barred by the applicable statute of limitations.

This Court would also find that no reasonable jurist would dispute this result and would DENY any requested certificate of appealability and leave to proceed in forma pauperis on appeal.

This matter is hereby ORDERED terminated upon the docket records of the United States District Court, Southern Division at Dayton, Ohio.

Therefore, this Court DISMISSES the Petitioner's Petition (Doc. #1) for Writ of Habeas Corpus.

September 30, 2008

s/**THOMAS M. ROSE**

JUDGE THOMAS M. ROSE
United States District Court